

**ERIE COUNTY LEGISLATURE  
MEETING NO. 11  
JUNE 8, 2017**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Ms. Dixon, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Mills.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. LORIGO moved for the approval of the minutes for Meeting Number 10 from 2017. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. LORIGO presented a resolution Congratulating Juliana Tatar, Girl Scout Troop 31920, on Receiving the Gold Award.

Item 6 – MR. LORIGO presented a resolution Honoring the East Aurora High School Envirothon Team on an Impressive Season, Placing First at the Erie County Envirothon Competition and Third at the New York State Envirothon Competition.

Item 7 – MR. LORIGO presented a resolution Recognizing The Relay for Life of Elma and Surrounding Communities on its 15th Year Participating in the American Cancer Society's Relay for Life.

Item 8 – MR. MILLS presented a resolution Honoring Rocco N. Girolamo on Achieving the Rank of Eagle Scout.

Item 9 – MR. MILLS presented a resolution Thanking the Members of the Eden Garden Study Club for Their Dedication to Honoring the Men and Women of the Armed Forces with the Blue Star Memorial Marker.

Item 10 – MR. RATH presented a resolution Honoring Daniel A. Herberger as the Erie County Legislature's Citizen of the Month for June 2017, and Acknowledge his Many Contributions to the Residents of Erie County

MR. LORIGO moved for consideration of the above six items. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above six items to include one miscellaneous resolution from MR. MILLS, MR. LORIGO, MR. LOUGHRAN, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. BURKE, MS. GRANT, MS. MILLER-WILLIAMS & MR. SAVAGE, one miscellaneous resolution from MR. BURKE, one miscellaneous resolution from MR. SAVAGE, and to include Et Al sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above nine items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 11 – CHAIR MILLS directed that Local Law No. 10 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 – CHAIR MILLS directed that Local Law No. 14 (Print #1) 2016 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 13 – CHAIR MILLS directed that Local Law No. 17 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 – CHAIR MILLS directed that Local Law No. 17 (Print #2) 2016 be received and filed.

GRANTED.

Item 15 – CHAIR MILLS directed that Local Law No. 18 (Print #1) 2016 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLS directed that Local Law No. 19 (Print #1) 2016 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLS directed that Local Law No. 1 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLS directed that Local Law No. 5 (Print #2) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 23 – CHAIR MILLS directed that Local Law No. 9 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 24 – MR. LORIGO moved to take Local Law No. 10 (Print #1) 2017 off the table. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 119

LOCAL LAW TO BE ENACTED BY  
THE ERIE COUNTY LEGISLATURE  
IN THE  
COUNTY OF ERIE

LOCAL LAW INTRO. No. 10-1-2017  
LOCAL LAW No. \_\_-2017

A LOCAL LAW in relation to increasing Accountability in Nursing Homes otherwise known as “Ruthie’s Law”

**Section 1**

**LEGISLATIVE FINDINGS AND INTENT**

The Erie County Legislature hereby finds that, given recent incidents of negligence in nursing home settings and in order to ensure a reasonable level of care and accountability, additional efforts must be made by nursing homes to be more proactive in their responses to incidents within their facilities, more transparent about those incidents and the causes thereof, and to demonstrate more clearly an awareness of their responsibilities to their patients and their patients’ loved ones. Nursing homes are entrusted with the very lives of their residents and the Erie County Legislature hereby finds that this responsibility is unparalleled in its importance. As such, this legislation intends to ensure the establishment of heightened accountability measures for nursing home facilities within Erie County.

**Section 2**

**DEFINITIONS**

As used in this Local law, the following terms shall have the meanings indicated:

- a) “Nursing Home” or “Nursing Home Facility” shall mean a licensed facility (subject to Article 28 of the New York State Public Health Law) functioning as a place of residence for individuals of advancing years who suffer from physical or mental disabilities, and who require constant nursing care to perform their daily living activities.
- b) “Designated Representative” shall mean the individual or individuals designated to receive information and to assist and/or act on behalf of a particular resident to the extent permitted by New York State law.
- c) “Commissioner” shall mean the Erie County Commissioner of Senior Services.
- d) “Department” shall mean the Erie County Department of Senior Services.
- e) “Nursing Home Performance Quality measures” shall mean the measures selected by the Center for Medicare and Medicaid Services which provide an indication of how well nursing homes provide care for its residents. These indicating measures are also used by the New York State Department of Health with all nursing homes.
- f) “Reportable Event” shall mean any altercation between patients and or staff of a Nursing Home that results in an injury to one or more patients, or any incident in which a patient is injured so severely that an emergency call to 911 and/or treatment outside the Nursing Home is required, or the death of a patient is found to have been connected, even in part, to a negligent act or

omission on the part of a Nursing Home.

**Section 3**

**ACCOUNTABILITY MEASURES**

- a) Nursing Home Facilities shall provide semi-annual reports to the Commissioner which detail the number of Reportable Events which have occurred during the reporting period along with a description of the basic facts pertaining to each event. Reporting periods shall run from January 1 to May 31 and June 1 to December 31 respectively. Mandated reports shall be delivered to the Commissioner on or before the last day of the month succeeding the given reporting period. Patient identifying information shall not be included in such reports.
- b) Nursing Homes shall disclose to potential patients and Designated Representatives of potential patients, their most recent Nursing Home Performance Quality Measure data at the point of application, prior to admission. Documentation confirming that such disclosure has been made shall be maintained by all Nursing Homes and copies of all such documentation executed in a given reporting period shall be forwarded to the Commissioner along with the respective semi-annual report.
- c) Should a patient suffer an injury, due to a Reportable Event, which necessitates an emergency call to 911 and/or treatment outside the Nursing Home, the Nursing Home shall contact the Designated Representative as soon as practical but no later than two hours after the injury was found to have taken place. This notification of severe injury must include all known information at the time the injury was found to have taken place and the actions the Nursing Home has and will take in response to the event.

**Section 4**

**SUBPOENA AUTHORITY**

The Commissioner shall have the power and authority to subpoena and compel the attendance and the production of books, records and papers of any Nursing Home officer or employee for the purpose of ascertaining facts in connection with the enforcement of the provisions of this local law. Should any Nursing Home officer or employee fail or refuse to obey any subpoena issued hereunder or fail to appear, produce books, records or other evidence required by a subpoena, he/she shall be subject to the order of a court of record in a contempt proceeding.

**Section 5**

**ENFORCEMENT**

- a) The County of Erie, through its Department of Senior Services, shall have sole jurisdiction to enforce the provisions of this local law.
- b) Any Nursing Home which is found to be in violation of a provisions contained within section 3 of this local law shall be liable for a civil penalty not to exceed \$1000. Should a Nursing Home be found to have multiple violations within a calendar year, such Nursing Home shall be liable for an additional civil penalty not to exceed \$2000 for each subsequent violation.

- c) The Erie County Attorney may bring an action in any court of competent jurisdiction in the name of Erie County or the Erie County Department of Senior Services in order to obtain a judgment for the recovery of any civil penalty provided for in this local law.

**Section 6**  
**APPLICATION**

- a) The provisions of this local law shall apply to all Nursing Homes located within the geographic boundaries of the County of Erie.
- b) No provisions herein shall be constructed to limit or preclude the exercise of any authority of the Commissioner or Department provided by any local, state, or federal law, rule or regulation.

**Section 7**  
**SEVERABILITY**

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

**Section 8**  
**EFFECTIVE DATE**

This Local Law shall take effect upon filing with the Secretary of State.

**Sponsors:**

Legislator Barbara Miller-Williams  
Legislator Betty Jean Grant  
Legislator Peter J. Savage, III  
Legislator Kevin R. Hardwick  
Minority Leader, Legislator Thomas A. Loughran  
Legislator Edward A. Rath, III  
Legislator Patrick B. Burke  
Legislator Ted B. Morton  
Legislator Lynne M. Dixon  
Majority Leader, Legislator Joseph C. Lorigo  
Chairman, Legislator John J. Mills

MR. LORIGO moved to approve Local Law No. 10 (Print #1) 2017. MS. MILLER-WILLIAMS seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

**COMMITTEE REPORTS**

Item 25 – MS. DIXON presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 120

June 1, 2017	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO. 23-2 (2016)  
**BURKE & GRANT:** “Water Quality Concerns Following the Fire at the Former Bethlehem Steel Plant”  
(6-0)
  - b. COMM. 23E-20 (2016)  
**BURKE:** “Letter to Health Department Commissioner Regarding the Potential Health Effects of the Fire at the Former Bethlehem Steel Factory”  
(6-0)
2. COMM. 10E-17 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services, Youth Services Division has previously contracted with F-Bites to provide their Vocational Training in Excellence Culinary program, and Willie Hutch Jones Sports & Education to provide their comprehensive chess program to the residents of the secure detention facility, and

WHEREAS, these classes foster listening, cooperation and engagement of youth in a learning process designed to enhance social/emotional skills, and

WHEREAS, the Youth Services division wishes to continue providing these programs to the residents at youth detention for the remainder of 2017, and

WHEREAS, the Youth Services division has available balances within their current budget to contract with the F-Bites and Willie Hutch Jones Sports & Education to provide their Vocational Training in Excellence program to the residents of the Secure Youth Detention facility.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to amend and continue the current contract in 2017 for an additional \$7,500 for F-Bites (\$15,000 total) and an additional \$5,000 for Willie Hutch Jones Sports & Education (\$10,000 total) to provide their comprehensive Vocational Training in Excellence programs to the residents of the secure detention facility, funding being available in account 516041, youth facility programming, of the Youth Services division, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Division of Budget and Management, the Office of the Comptroller, the Department of Social Services, and the Division of Youth Services.  
(6-0)

3. COMM. 10E-18 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental and behavioral health services for the residents of Erie County; and

WHEREAS, the Erie County Department of Mental Health seeks legislative approval to enter into a contract with BestSelf Behavioral Health for the delivery of family-focused, quality mental health and substance abuse services to children and adults throughout Western New York; and

WHEREAS, the New York State Attorney General has (tentatively) approved of the formation of BestSelf Behavioral Health by the merger of operations of Child & Adolescent Treatment Services and Lake Shore Behavioral Health; and

WHEREAS, no additional County funds will be necessary for Erie County to enter into this contract with BestSelf Behavioral Health to serve many of the most vulnerable residents of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Department of Mental Health to immediately enter into a contract with the newly created BestSelf Behavioral Health for the provision of related services, and thus authorizes the Division of Budget and Management to process the following budgetary adjustments:

2017 Budget  
Department of Mental Health - Fund Center 12410

Expense	Increase/(Decrease)
Account 517545 – Child & Adol Treat OMH	\$(307,000)

Account 517685 – Lakeshore Com MH Ctr OMH	(945,000)
Account 517686 – Lakeshore Com MH Ctr ASA	(920,000)
Account 517688 – Lakeshore Com MH Ctr HUD	(258,000)
Account 517534 – BestSelf Behav Health OMH	1,252,000
Account 517535 – BestSelf Behav Health ASA	920,000
Account 517536 – BestSelf Behav Health HUD	<u>258,000</u>
Total	\$0

and be it further

RESOLVED, that to the extent this subcontract may constitute a professional, technical or other consultant service, the County Administrative Code requirement in Section 19.08 for a Request for Proposal (RFP) is hereby waived, as this Honorable Body has previously approved of the County’s entering into contracts with Child & Adolescent Treatment Services and Lake Shore Behavioral Health on December 6, 2016; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the respective contracts, provided there are no changes to county share amounts; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget and Management.  
(6-0)

LYNNE M. DIXON  
CHAIR

Item 26 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 121

June 1, 2017	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 4E-7 (2017)  
**LORIGO:** “Letter to County Attorney Regarding Request for Amended Version of Proposed LL Intro. 2-2 (2017)”  
(Chair’s Motion)

- b. COMM. 5D-7 (2017)  
**MAJORITY COUNSEL, LEGISLATURE:** “Letter to Legislator Lorigo Regarding Legalities of LL Intro. 3-1 & LL Intro. 3-2 (2017)”  
(Chair’s Motion)
- c. COMM. 5D-8 (2017)  
**MINORITY COUNSEL, LEGISLATURE:** “Letter to Legislature Regarding Legalities of LL Intro. 3-2 (2017)”  
(Chair’s Motion)
- d. COMM. 6D-8 (2017)  
**DEPARTMENT OF LAW:** “Letter to Regarding Legalities of LL Intro. 3-1”  
(Chair’s Motion)
- e. COMM. 6M-5 (2017)  
**THE NEW YORK STATE SOCIETY OF PROFESSIONAL ENGINEERS INC:**  
“Letter to Legislators Regarding LL Intro. 3-1 (2017)”  
(Chair’s Motion)
- f. COMM. 8E-20 (2017)  
**MILLS:** “Letter to County Executive Regarding Proposed Local Laws Concerning Adjustment of Job Qualifications for the Commissioner of the Department of Public Works”  
(Chair’s Motion)
- g. COMM. 8D-5 (2017)  
**DEPARTMENT OF LAW:** “Transmittal of New Claims Against Erie County”  
(Chair’s Motion)
- h. COMM. 9D-3 (2017)  
**DEPARTMENT OF LAW:** “Transmittal of New Claims Against Erie County”  
(Chair’s Motion)
- i. COMM. 10M-8 (2017)  
**EC BOARD OF ETHICS:** “Annual Report of Activities for 2016”  
(Chair’s Motion)

2. INTRO. 10-7 (2017)  
**DIXON**

WHEREAS, K-9 Officer Mitchell is a six-year-old German shepherd who has been a member of the Jamestown police force since 2011; and

WHEREAS, in 2016, following a six-hour standoff with a murder suspect, K-9 Officer Mitchell received life-threatening injuries during the apprehension and arrest of the suspect; and

WHEREAS, as a result of this confrontation and the serious injuries sustained by the K-9, New York State Senator Young introduced Mitchell’s Law, making it a Class-E felony to injure a K-9 officer or other police animal; and

WHEREAS, this honorable body finds that animals that perform law enforcement duties, including search and rescue, drug and bomb detection, and the apprehension of criminals, deserve protection when they are injured in the line-of-duty; and

WHEREAS, many law enforcement and animal advocacy groups support the increase in penalties for assault on an animal performing official police duties, including the New York State Police Investigators Association, the New York State Sheriffs' Association, the New York State Association of Chiefs of Police, the Humane Society, and the American Society for the Prevention of Cruelty to Animals; and

WHEREAS, seventh-grade students in Jason Steinagle's class at Hamburg Middle School were inspired when New York State Trooper Sean Pierce and his service canine, K.D., visited their classroom to demonstrate obedience training and narcotics detection. Trooper Pierce shared success stories about protecting citizens and providing for our common welfare. Students were dissatisfied when they learned that the current penalties for injuring or taking the life of a police animal were insufficient and they were motivated to change the state penal code; and

WHEREAS, select seventh-grade students from Hamburg Middle School were invited by New York State Senator Chris Jacobs to support Mitchell's Law before the New York State Senate. Bill No. S961 (2017) successfully passed the New York State Senate with a 59 to 3 vote on May 16, 2017.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body congratulates the New York Senate for passage of Mitchell's Law, S961 (2017), and hereby urges the Assembly to approve its companion bill, A6737 (2017); and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation to the New York State Senate and Assembly, the office of Hon. Andrew M. Cuomo, and any party deemed necessary and proper.  
(6-0)

KEVIN R. HARDWICK  
CHAIR

Item 27 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 122

June 1, 2017

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 9

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MORTON.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 14E-7 (2016)  
**MILLS:** “Letter to County Executive Regarding a Letter of Interest in Serving on the ECIDA Board of Directors”  
(Chair’s Motion)

JOSEPH C. LORIGO  
CHAIR

Item 28 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 123

June 1, 2017	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MORTON.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 21E-13 (2016)  
**MILLS, LORIGO, RATH & MORTON:** “Letter to County Executive Regarding Opposition to Resolution Requesting Loans from Erie County”  
(Chair’s Motion)
  - b. COMM. 23E-15 (2016)  
**COUNTY EXECUTIVE:** “Real Property Tax Services - Delegating Authority for Certain Real Property Tax Refunds and Correction of Tax Bills and Tax Rolls Under \$2500.00 for the Year 2017”  
(Chair’s Motion)
  - c. COMM. 4E-6 (2017)  
**LORIGO:** “Letter to County Executive Regarding Departmental Requests for Waiving the Request for Proposals Process”  
(Chair’s Motion)
  - d. COMM. 8E-19 (2017)  
**COUNTY EXECUTIVE:** “2017-2020 Revised Erie County Four Year Financial Plan”  
(Chair’s Motion)
  - e. COMM. 8M-5 (2017)

**EC TOWN CLERKS AND TAX COLLECTORS ASSOCIATION:** “Resolution Regarding Request for Amendment to EC Tax Act of 1942 to Give Relief from the Excessive Penalty Schedule to the Taxpayers in the Towns of the Second Class, and Make the Same Penalty Schedule and Due Dates for All Town and County Taxes”  
(Chair’s Motion)

f. COMM. 10E-15 (2017)  
**COMPTROLLER:** “Interim Financial Report for Three-Month Period Ended Mar. 31, 2017”  
(Chair’s Motion)

g. COMM. 10M-7 (2017)  
**EC FISCAL STABILITY AUTHORITY:** “Resolution Approving 2016 ECFSA Annual Financial Audit”  
(Chair’s Motion)

JOSEPH C. LORIGO  
CHAIR

Item 29 – MR. MORTON presented the following report and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 124

June 1, 2017	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MORTON.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 10M-6 (2017)  
**LAWRENCE CULP:** “Letter to Legislator Hardwick Regarding Safety on the Niagara River”  
(Chair’s Motion)

JOSEPH C. LORIGO  
VICE-CHAIR  
FOR

TED B. MORTON  
CHAIR

Item 30 – MR. RATH presented the following report and moved for immediate consideration and approval. MR. SAVAGE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 125

June 1, 2017	PUBLIC SAFETY COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MORTON.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 8E-30 (2017)

**RATH:** "Letter to Deputy Commissioner-Fire Safety Regarding Report of Inventory for Turnout Gear at the Fire Training Academy"  
(Chair's Motion)

2. COMM. 9E-21 (2017)

**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the Erie County Legislature has already approved the 2017-2018 Department of Central Police Services Gun Involved Violence Elimination ("GIVE") Grant in the 2017 Adopted Budget Book B; and

WHEREAS, the contract received from the New York State Division of Criminal Justice Services authorizes positions and funding levels for Central Police Services (CPS) different from the adopted budget; and

WHEREAS, there is a need to reduce the backlog of firearm cases while providing critical work with the CPS GIVE grant partners; and

NOW, THEREFORE, BE IT

RESOLVED, effective July 8, 2017, authorization is hereby provided to add the position of Firearms Examiner I, JG 9 (B100 #9296), in the Department of Central Police Services (CPS) Gun Involved Violence Elimination (GIVE) grant 165GIVE1718; and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the CPS GIVE Grant, in fund 281, to match authorized State funding levels, to be adjusted as follows:

CENTRAL POLICE SERVICES  
GUN INVOLVED VIOLENCE ELIMINATION GRANT  
165GIVE1718  
7/1/17-6/30/18

<u>Revenue</u>	Original	Adjustment	Final
409000 State Aid	\$116,642	\$31,490	\$148,132

479000 County Share	<u>\$58,176</u>	<u>\$33,282</u>	<u>\$91,458</u>
Total Revenue	\$174,818	\$64,772	\$239,590

<u>Appropriation</u>	Original	Adjustment	Final
500000 Full Time Salaries	\$109,261	\$40,014	\$149,275
502000 Fringe Benefits	\$65,557	\$24,008	\$89,565
510100 Out of Area Travel	<u>\$0</u>	<u>\$750</u>	<u>\$750</u>
Total Appropriations	\$174,818	\$64,772	\$239,590

and be it further

RESOLVED, that there is sufficient funding to cover the County Share portion in Funds Center 16500, Fund 110, G/L Account 559000- County Share Grants; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to adjust budgets as required to comply with State approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller, the Division of Personnel and the Department of Central Police Services.

(6-0)

3. INTRO. 10-3 (2017)

**SAVAGE AS AMENDED**

WHEREAS, Car break-ins, commonly referred to as "car pops" are a major quality of life issue throughout Erie County; and

WHEREAS, "Car Pops" not only result in theft of property and often expensive vehicle damage, but also are major violations of privacy which detrimentally impact property values, commercial business, and the public's sense of feeling safe in their community; and

WHEREAS, According to the Erie County District Attorney's Office, there were 3801 reported "car pops" in the City of Buffalo alone over the last two years; and

WHEREAS, Despite this high number of reported incidents, only 147 arrests were made, in large part due to the lack of a felony charge available to law enforcement; and

WHEREAS, According to the Erie County District Attorney's Office, thirteen individuals constituted 27% of those charged with "car pops" in the City of Buffalo over the last two years, each with multiple arrests. In some cases, the same offender was charged 8 separate times as the result of a "car pop"; and

WHEREAS, Due to the lack of a felony charge available, there are no real consequences for these very serious quality of life crimes despite the hard work of law enforcement, prosecutors, and the courts, often resulting in a "revolving door" for offenders through the criminal justice system; and

WHEREAS, New York State law limits prosecutions for burglary to dwellings or buildings, thus there is no felony burglary charge available in instances where one's automobile is broken into, leaving lesser charges such as misdemeanor larceny as the only available recourse; and

WHEREAS, Other states such as Florida recognize the serious nature of "car pop" crimes and the tremendous impact they have on the quality of life in communities and have expanded its definition of burglary to also include motor vehicles as "conveyances" for these purposes. which allows law enforcement and prosecutors to charge offenders with a felony; and

WHEREAS, New York State should adopt similar legislation in the interest of protecting the quality of life of its residents; and

WHEREAS, New York State Senators Timothy Kennedy and Chris Jacobs have introduced legislation, S6504, in the State Senate to address this very important public safety and quality of life issue.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body hereby calls on the New York State Legislature to adopt legislation, similar to the State of Florida, to include motor vehicles within its definition of burglary to provide law enforcement with the ability to charge individuals who break into cars ("car poppers") with a felony to preserve the quality of life of our residents; and be it further

RESOLVED, that this Honorable Body hereby goes on record in support of NYS Senate Bill S6504, and that certified copies of this resolution be sent to Governor Cuomo and the members of the Western New York Delegation to the New York State Senate and Assembly.  
(6-0)

4. **COMM. 10E-19 (2017)**  
**COUNTY EXECUTIVE**

WHEREAS, the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$1,096,094 in federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$1,096,094 in federal resources to provide funding to purchase the necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the NYS Department of Homeland Security to receive \$1,096,094 in grant funding for the Department of Homeland Security and Emergency Services; and be it further

RESOLVED, that this grant, under the Department of Homeland Security and Emergency Services, will be utilized to enhance the ability of Erie County to manage emergency disaster situation to meet the goals and objectives of the grant; and be it further

RESOLVED, that the authorization is hereby provided to the Division of Budget and Management to establish funding in the Grant Fund 281, as follows:

Erie County Department of Emergency Services  
FY16 Statewide Interoperable Communications Grant (SICG)

Revenue	Increase
Account 414000 Federal Aid	\$1,096,094
Appropriations	Increase
Account 561410 Lab & Technical Equipment	<u>\$1,096,094</u>
Total Appropriations	\$1,096,094

; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Homeland Security and Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.

(6-0)

5. COMM. 10E-20 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Homeland Security and Emergency Services purchased a Vision 30' V Front Flat top trailer out of FY 2015 Technical Rescue Grant funds; and

WHEREAS, the FY 2015 Technical Rescue Grant is a regional grant with deliverables to purchase equipment for the partners participating in the grant, one being the Niagara Frontier Search and Rescue Team; and

WHEREAS, the Niagara Frontier Search and Rescue Team agrees to take over the maintenance and repairs needed to the trailer; and

WHEREAS, because this is a homeland security purchase, the Niagara Frontier Search and Rescue Team agrees if the Department of Homeland Security and Emergency Services is audited on the FY 2015 Technical Rescue Grant they will allow the auditors access to the trailer for auditing purposes.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the transfer of the Vision 30” V Front Flat top trailer, VIN # 53BLTEA11HA034092, search and rescue trailer to the Niagara Frontier Search and Rescue Team; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Homeland Security and Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.  
(6-0)

EDWARD A. RATH III  
CHAIR

**LEGISLATOR RESOLUTIONS**

Item 31 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 126

RE: Standard Work Day for Elected Officials  
for Retirement Reporting Purposes  
(INTRO. 11-1)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the New York State and Local Employees’ Retirement System requires that a standard work day be established for retirement credit purposes; and

WHEREAS, in order to be in full compliance with Regulation 315.4, legislative action is warranted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby establishes the following as standard work days for elected officials and will report the following Standard Work Day to the New York State and Local Employees’ Retirement System based on the Erie County Personnel Department’s time-keeping system that shows hours worked:

<u>Title</u>	<u>Name</u>	<u>Standard Work Day</u>	<u>Term Begins/Ends</u>	<u>Participates in Employer’s Time Keeping System</u>	<u>Days/Months (Based on Record of Activities)</u>
District Attorney	Flynn, John J	7	1/1/2017-12/31/2020	N	28.48

and be it further

RESOLVED, that a certified copy of this resolution be posted on the Legislature's website pursuant to rules promulgated by the New York State Comptroller, and a copy shall be transmitted by the Clerk of the Legislature to the Erie County Commissioner of Personnel and the New York State Comptroller.

Item 32 – CHAIR MILLS directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 11-2 from LEGISLATOR GRANT. Urging the NYS Legislature to Pass Bill A4836 and Provide Private Employees the Right to Review Their Personnel File.

Item 33 – MR. LORIGO presented the following resolution and moved for consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RE: Support for Crime Stoppers  
(INTRO. 11-3)

MR. LORIGO moved to amend the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Insert the following:

A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR LOUGHRAN

RE: Support for Crime Stoppers

WHEREAS, the opioid crisis has reached epidemic proportions in Erie County; and

WHEREAS, the Erie County Legislature is responding to the call to provide additional resources in an effort to eliminate this growing problem; and

WHEREAS, departments within the Erie County administration are presently working to develop a comprehensive response to this issue within the framework of one million dollars; and

WHEREAS, Crime Stoppers, an independent agency established in 1990 to assist law enforcement in reducing criminal activity, has made a meaningful contribution in addressing illegal narcotics activity via their TIP Line Program; and

WHEREAS, Crime Stoppers current level of support for Tip Line is \$15,000; and

WHEREAS, additional funding for Tip Line will surely contribute to the reduction of illegal narcotics activity.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County funding response to the opioid crisis contain a \$15,000 grant to Crime Stoppers to match the current level of TIP Line funding; and be it further

RESOLVED, that copies of this resolution be sent to: Erie County Executive, Mark C. Poloncarz; Commissioner of Health, Gale R. Burstein, MD, MPH, FAAP; Commissioner of Mental Health, Michael R. Ranney, CRC-R, LMHC; Erie County Sheriff, Timothy B. Howard and Crime Stoppers.

FISCAL IMPACT: \$15,000

CHAIR MILLS directed that the item as amended be referred to the PUBLIC SAFETY COMMITTEE.

Item 34 – CHAIR MILLS directed that the following item be received and filed.

GRANTED.

INTRO. 11-4 from LEGISLATOR LOUGHRAN. Amendment to the EC Legislature 2017 Rules of Order Regarding Authority to Call a Public Hearing.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 35 – MR. LORIGO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 10E-21. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127

RE: Teamsters Local 264 – 2017-2018  
Successor Collective Bargaining  
Agreement  
(COMM. 10E-21, 2017)

WHEREAS, Erie County is a municipal corporation and is bound by the New York State Taylor Law to negotiate terms and conditions of employment with duly elected employee organizations; and

WHEREAS, the International Brotherhood of Teamsters (“Teamsters”) is an employee union organization and represents employees; and

WHEREAS, the existing collective bargaining agreement between Erie County and Teamsters Local 264 expired on December 31, 2016, but has remained binding pursuant to the Taylor Law; and

WHEREAS, Erie County and negotiated a successor collective bargaining agreement, covering the period between January 1, 2017 and December 31, 2018; and

WHEREAS, the Teamsters membership recently approved the successor agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the upgrade of the existing Dispatcher (Sheriff) positions from JG 7 to JG 8 – B 100 # 9305, the creation of ten (10) new part-time Registered Nurse positions (JG 8, annualized salary \$ 23,609 – B-100 # 9306 and four (4) new part-time Holding Center Medical Aide positions (JG 7, annualized salary \$ 21,920 – B100 # 9307 at a total pro-rated 2017 cost of \$ 293,576 for the remainder of 2017; and be it further

RESOLVED, the successor agreement between Erie County and the Unit is hereby approved; and be it further

RESOLVED, all terms and conditions of the successor agreement shall be implemented in full; and, be it further

RESOLVED, that authorization is provided to the Director of Budget and Management to appropriate up to \$ 780,000 of fund balance to enable this settlement of the Teamsters contract; and be it further

RESOLVED, that the Division of Budget and Management are hereby authorized to make any necessary budgetary and financial adjustments to the 2017 Budget for this agreement; and be it further

RESOLVED, certified copies of this resolution be forwarded to the Erie County Executive, Erie County Comptroller, Department of Budget and Management, Department of Labor Relations, Department of Personnel and the Erie County Fiscal Stability Authority.

MR. LORIGO moved to approve the item. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Item 36 – MR. LORIGO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of INTRO. 10-2. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

RE: Home Rule Request Decreasing the  
Time a Vacant Property May Sit in  
Foreclosure  
(INTRO. 10-2, 2017)

A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS LORIGO AND BURKE

WHEREAS, nearly 1,000 homes in Western New York have become “zombie homes”, stuck in foreclosure limbo and awaiting conclusion of a process that can take years; and

WHEREAS, vacant homes hurt the value of surrounding properties, sometimes significantly lowering the sale price of an entire street; and

WHEREAS, this honorable body, upon consultation with the Western New York Law Center, finds it necessary to amend the Erie County Tax Act; and

WHEREAS, §9-1.0 of the Erie County Tax Act must be amended to shorten the period in which the holder of a tax sale certificate may foreclose on a property that is certified by a municipality to be vacant from two years to one year.

NOW, THEREFORE, BE IT

RESOLVED, that a Home Rule request is made to the New York State Legislature as follows:

To the Legislature:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Bill No.

\*\*\*\*\*

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to amend the Erie County Tax act will leave hundreds of homes in limbo for a longer period of time further eroding the value of the surrounding neighborhood.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request; and, be it further

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the Erie County Legislature, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

MR. LORIGO moved to amend the item. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Delete the first RESOLVED clause and replace with the following:

RESOLVED, that a Home Rule request is made to the New York State Legislature as follows:

To the Legislature:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A8265 (2017) and its Senate companion S6580 (2017):

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to amend the Erie County Tax act will leave hundreds of homes in limbo for a longer period of time further eroding the value of the surrounding neighborhood.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request; and, be it further

MR. LORIGO moved to approve the item as amended. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to reconsider COMM. 10E-21. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to approve COMM. 10E-21. MR. BURKE seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

### **SUSPENSION OF THE RULES**

Item 37 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11E-15 from LEGISLATOR LORIGO. Re: Letter to Chair Mills Regarding LL Intro. 17-2 (2016)

Received and filed.

Item 38 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11E-16 from the SHERIFF. Re: 2017 Livescan Equipment Grant Program

Received and referred to the PUBLIC SAFETY COMMITTEE.

### **COMMUNICATIONS FROM ELECTED OFFICIALS**

#### **FROM THE COUNTY EXECUTIVE**

Item 39 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129

RE: Approval of Stadium Annual Capital  
Improvement Allowance Projects  
(COMM. 11E-1)

WHEREAS, the Legislature has approved the Buffalo Bills/Erie County Stadium Lease; and

WHEREAS, the Lease Agreement provides for an annual Capital Improvement Allowance (CIA maintenance projects) which are to be managed by the Lease Construction Management Group (LCMG); and

WHEREAS, this group consists of representatives from the Buffalo Bills, State and County; and

WHEREAS, the Buffalo Bills have requested that since the Capital Improvement Allowance projects are jointly funded, instead of totally funded by the County, the CIA project contracts should now be authorized and approved by the Lease Construction Management Group; and

WHEREAS, your Honorable Body previously authorized the LCMG to approve contracts as recommended by the Commissioner of Public Works on December 18, 2014, (copy attached), utilizing Year 2 CIA funds and forward.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is hereby authorized to select contractors or consultants and issue the subject maintenance contracts by the following procedure:

1. Receive formal or informal bids to determine the lowest responsible bidder and receive consultant proposals to determine the most suitable one for the job.
2. If bidding the maintenance work or receiving consultant proposals is not viable because of emergencies or economic reasons; a contractor or consultant will be selected and the terms and conditions of the contract will be negotiated by the Commissioner.
3. The Commissioner will submit the proposed contracts to the Lease Construction Management Group (LCMG) for approval. If an emergency or an economic situation is involved, the Commissioner will also submit a written report to the LCMG detailing the necessity for immediate action.
4. The County Executive will issue contracts or change orders to contractors or consultants designated by the Commissioner of Public Works and approved by the LCMG.

;and be it further

RESOLVED, that the total amount of all of the subject CIA maintenance contracts shall not exceed the total of all annual Capital Improvement Allowances provided for by the current Lease; and be it further

RESOLVED, that the total amount of all contracts utilizing 1998 stadium lease project balances, shall not exceed the total of all annual funds provided by the Lease; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Buffalo Bills.

**STATE OF NEW YORK**  
LEGISLATURE OF ERIE COUNTY  
CLERK'S OFFICE  
BUFFALO, N.Y., DECEMBER 18, 2014

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, that at the 206th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the eighteenth day of December, 2014 A.D., a Resolution was adopted, of which the following is a true copy:

WHEREAS, the Legislature has approved the Buffalo Billions County Stadium Lease; and

WHEREAS, the Lease agreement provides for an annual Capital Improvement Allowance (CIA) (maintenance projects) which are to be managed by the Lease Construction Management Group (LCMG); and

WHEREAS, this group consists of representatives from the Buffalo Bills, State and County; and

WHEREAS, the Buffalo Bills have requested that since the Capital Improvement Allowance program is profit-fundal, (funds of totally funded by the County), the CIA project contracts should also be authorized and approved by the Lease Construction Management Group; and

WHEREAS, the year two annual Capital Improvement Allowance for 2014 is approximately \$8.7 million dollars which increases each year by an inflation factor.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is hereby authorized to select contractors or consultants and issue the subject maintenance contracts by the following procedure:

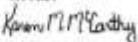
1. Receive formal or informal bids to determine the low or responsible bidder and receive consultant proposals to determine the most suitable one for the job.
2. If holding the maintenance work, or receiving consultant proposals is not viable because of emergency or economic reasons, a contractor or consultant will be selected and the terms and conditions of the contract will be approved by the Commissioner.
3. The Commissioner will submit the proposed contracts to the Lease Construction Management Group (LCMG) for approval. If an emergency or an economic situation is involved, the Commissioner will also submit a written report to the LCMG detailing the necessity for immediate action.
4. The County Executive will issue contracts to change orders to contractors or consultants designated by the Commissioner of Public Works and approved by the LCMG.

and be it further

RESOLVED, that the total amount of all of the subject CIA maintenance contracts shall not exceed the total of all annual Capital Improvement Allowances provided for by the Lease; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Buffalo Bills.

REFERENCE: COMM. 15E-10 (2014)

ATTEST  
  
 KAREN M. MCCARTHY  
 Clerk of the Legislature of Erie County

FROM LEGISLATOR MORTON

Item 40 – (COMM. 11E-2) Letter of Absence from Committee Meetings

Received, filed and printed.

May 30, 2017  
Hon. Karen McCarthy  
Clerk of the Erie County Legislature  
92 Franklin Street, Fourth Floor  
Buffalo, NY 14202

Dear Clerk McCarthy,

Due to a previously planned engagement, I will be unable to attend the Legislative Committee Meetings being held on Thursday, June 1st, 2017.

Sincerely,  
TED B. MORTON  
Ted B. MORTON  
Erie County Legislator  
8th District

FROM THE COUNTY EXECUTIVE

Item 41 – (COMM. 11E-3) EC Sewer District No. 3 - Engineer Term Agreement - Work Order AECOM-3

Item 42 – (COMM. 11E-4) EC Sewer District No. 3 - Engineer Term Agreement - Work Order AECOM-4

The above two items were received and filed.

Item 43 – (COMM. 11E-5) Proposed Erie Community College 2017-2018 Budget

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 44 – (COMM. 11E-6) Right-of-Way Acquisition - Lakeshore Shoreline Trail Multi Use Pathway Phase 3 - Town of Evans

Item 45 – (COMM. 11E-7) Belscher Rd Slide Remediation Program - Engineering Services for Design & Construction Phases - Town of Concord

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 46 – (COMM. 11E-8) EC Sewer District No. 6 - Well & Wilmuth Pumping Stations Electrical Systems Upgrade - Engineering Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 47 – (COMM. 11E-9) Department of Social Services Division of Family Wellness - CPS Mobile Project

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 48 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 130

RE: Opioid Epidemic Spending Plan –  
County Grant Program  
(COMM. 11E-10)

WHEREAS, the Erie County Legislature has approved the allocation of \$1,000,000 in Unassigned Fund Balance (Intro. 10-8 (2017)) towards additional efforts to combat the opioid epidemic via legislative resolution; and

WHEREAS, Intro. 10-8 (2017) directs the Commissioner of Health to establish a Request for Proposals process to allocate this funding; and

WHEREAS, the Departments of Health and Mental Health have experts on staff who are qualified to review and assess funding proposals from agencies involved in the opioid epidemic; and

WHEREAS, the goal of the funding will be to support innovative and novel approaches to combating the opioid epidemic which have no current funding source; and

WHEREAS, the Departments of Health and Mental Health will conduct a review of funded agency projects to determine the potential benefit and to consider additional funding in 2018.

NOW, THEREFORE BE IT

RESOLVED, that \$1,000,000 of Unassigned Fund Balance (Intro. 10-8 (2017)) be utilized to fund the below budget modifications with any remaining funds at Year-End 2017 to be designated for carry over into the 2018 Erie County Budget as needed; and be it further

RESOLVED, that the 2017 Budget for the Department of Health shall be adjusted as follows:

Health Division	
Fund 110 Fund Center 12700	
Expense	Increase
516020 Professional Svc Contracts & Fees	<u>\$500,000</u>
Total Expense	<u>\$500,000</u>

and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and Department of Personnel to make the necessary budgetary adjustments to effectuate this resolution; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Mental Health, and Department of Health.

Item 49 – MR. LORIGO presented the following resolution and moved for consideration.  
MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131

RE: Opioid Epidemic Spending Plan –  
County Programmatic Improvements  
(COMM. 11E-11)

WHEREAS, the Erie County Legislature has approved \$1,000,000 of Unassigned Fund Balance (Intro. 10-8 (2017)) towards additional efforts to combat the opioid epidemic via legislative resolution; and

WHEREAS, items highlighted in that resolution include correctional discharge planning and other county programs; and

WHEREAS, the Departments of Health and Mental Health and Sheriff's Office have identified additional significant departmental needs related to the opioid epidemic; and

WHEREAS, allocating approximately half of the funding from Intro. 10-8 will address immediate county needs related to the opioid epidemic; and

WHEREAS, the Departments of Health and Mental Health will be soliciting Requests for Proposals to allocate the additional funding from Intro. 10-8 (2017).

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one (1) Forensic Mental Health MICA Specialist (JG-12, step 1) position (B-100 #9411), and one (1) Forensic Mental Health Discharge Planner (JG-8, step 1) position (B-100 #9412) as follows:

Number of Positions	Title	Job Group	Step	Annualized Salary	Pro-Rated Salary
1	Forensic Mental Health MICA Specialist	12	1	\$50,910	\$25,455
1	Forensic Mental Health Discharge Planner	8	1	\$37,259	\$18,630

; and be it further

RESOLVED, that the Erie County Legislature hereby authorized the creation of one (1) Registered Nurse (JG-8, step 5) position (B-100#9413) as follows:

Number of Positions	Title	Job Group	Step	Annualized Salary	Pro-Rated Salary
1	Registered Nurse	8	5	\$56,720	\$28,360

; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one (1) Toxicologist I (JG-9, step 1) position (B-100 #9401), one (1) Forensic Lab Technician (JG-8, step 1) position (B-100 #9405), one (1) Scene Investigator (JG-8, step 1) position (B-100#9403) and one (1) Autopsy Technician (JG-8, step 1) positions (B-100 #9402), and to reallocate one (1) Medical Transcriptionist (JG-6, step D) position (B-100 #9404) as follows:

Number of Positions	Title	Job Group	Step	Annualized Salary	Pro-Rated Salary
1	Toxicologist	9	1	\$40,040	\$20,020
1	Forensic Lab Technician	8	1	\$37,259	\$18,630
1	Scene Investigator	8	1	\$37,259	\$18,630
1	Autopsy Technician	8	1	\$37,259	\$18,630
1	Medical Transcriptionist	5	D	(\$37,777)	(\$18,889)
1	Medical Transcriptionist	6	D	\$41,646	\$20,823

; and be it further

RESOLVED, that \$1,000,000 of Unassigned Fund Balance (Intro. 10-8 (2017)) be utilized to fund the below budget modifications with any remaining funds at Year-End 2017 to be designated for carry over into the 2018 Erie County Budget as needed; and be it further

RESOLVED, that that the 2017 Budget for the Department of Mental Health shall be adjusted as follows:

Forensic Mental Health Service		
Fund 110 Fund Center 12420		
Expense		Increase
500000	Full Time – Salaries	\$44,085
502000	Fringe Benefits	<u>27,333</u>
	Total Expense	<u>\$71,418</u>

; and be it further

RESOLVED, that the 2017 Budget for the Sheriff’s Office shall be adjusted as follows:

Division of Correctional Health		
Fund 110 Fund Center 11650		
Expense		Increase
500000	Full Time – Salaries	\$28,360
502000	Fringe Benefits	<u>17,584</u>
	Total Expense	<u>\$45,944</u>

; and be it further

RESOLVED, that the 2017 Budget for the Department of Health shall be adjusted as follows:

Division of Medical Examiner  
Fund 110 Fund Center 12740

Expense	Increase
500000 Full Time – Salaries	\$ 77,844
502000 Fringe Benefits	48,264
505800 Medical & Health Supplies	<u>6,163</u>
Total Expense	<u>\$132,271</u>

Health Division  
Fund 110 Fund Center 12700

Expense	Increase
505800 Medical & Health Supplies	<u>\$112,721</u>
Total Expense	<u>\$112,721</u>

; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and Department of Personnel to make the necessary budgetary and personnel adjustments to effectuate this resolution for 2017 & 2018; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Department of Personnel, the Division of Budget and Management, the Department of Mental Health, and Department of Health.

MR. LORIGO moved to amend the item. MS. GRANT seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE. (AYES: 6; NOES: 5)

CARRIED.

Amend Comm. 11E-11 as follows:

Delete the first, second, fifth and sixth RESOLVED clauses.

MR. LORIGO moved to approve the item as amended. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

Item 50 – (COMM. 11E-12) Probation Department - Authorization to Contract for Implementation of DVSI-R Lethality Risk Assessment Instrument

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE & SHERIFF

Item 51 – (COMM. 11E-13) EC Holding Center - Security & Video Upgrade - Phase 1 and Construction Contingency Increase

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF

Item 52 – (COMM. 11E-14) Suit Settlement and Personnel Adjustment

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 53 – (COMM. 11D-1) Comments Received Regarding LL Intro. 10-1 (2017)

Received and filed.

FROM THE DEPARTMENT OF LAW

Item 54 – (COMM. 11D-2) Transmittal of New Claims Against Erie County

Received and filed.

FROM THE INTERIM COMMISSIONER, DEPARTMENT OF PUBLIC WORKS

Item 55 – (COMM. 11D-3) Notice of Disrepair - Prior Written Notice Law

Received and filed.

FROM THE COMPTROLLER'S OFFICE

Item 56 – (COMM. 11D-4) Notice of Audit of Control Activities Associated with Child Support Violation Petitions Served by the Office of the Sheriff for Period Apr. 1, 2016 Through Mar. 31, 2017

Received and filed.

FROM THE DEPARTMENTS OF HEALTH & MENTAL HEALTH

Item 57 – (COMM. 11D-5) Memorandum Regarding Intro. 7-8 (2017) Proposed Appropriations

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM JOEL A. GIAMBRA

Item 58 – (COMM. 11M-1) Letter to Chair of SUNY Board of Trustees Regarding Possible Consolidation of Erie and Niagara County Community Colleges

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LENA A. MONACO & DEBORAH A. UCCI

Item 59 – (COMM. 11M-2) Copy of Letter Regarding Part Time Employees of ECC Participation in CSEA Union

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE MWBE UTILIZATION ADVISORY BOARD

Item 60 – (COMM. 11M-3) Mar. 27, 2017 Meeting Minutes

Received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

ANNOUNCEMENTS

Item 61 – CHAIR MILLS announced a public hearing regarding LL Intro. 9-1 (2017) A Local Law amending Local Law No. 1-1959, Constituting the Erie County Charter, as Amended, in Relation to the Adjustment of Job Qualifications for the Erie County Commissioner of Public Works is scheduled for July 6, 2017 at 6:00 p.m. in the Legislature Chambers.

Item 62 – CHAIR MILLS announced the committee schedule for June 15, 2017 has been distributed.

Item 63 – CHAIR MILLS announced the next regularly scheduled legislative session is June 22, 2017.

Item 64 – LEGISLATOR GRANT announced “Children’s Day” activities are being organized in the City of Buffalo, and will take place at 907 E Ferry St, Buffalo, NY, June 10, 2017, 3:00-6:00 p.m.

Item 65 – LEGISLATOR LOUGHRAN announced the Loughran's Greater Buffalo Alumni Cup Run is scheduled for July 6, 2017.

### **MEMORIAL RESOLUTIONS**

Item 66 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of David E. Flanders and Donald W. Mesel.

Item 67 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Robert A. Cecchini, Timothy J. Fedeson and Timothy J. Reich.

Item 68 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Mary Lou Nolan and George A. Vossler.

Item 69 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Eileen A. Siminski and George A. Vossler.

Item 70 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Joseph McIvor.

Item 71 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Jeffrey Simme.

Item 72 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Thomas C. Perry, Keith K. Nowak and Norman Verbanic Sr.

### **ADJOURNMENT**

Item 73 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, June 22, 2017 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, June 22, 2017 at 2:00 p.m. Eastern Standard Time.

**KAREN M. McCARTHY**  
**CLERK OF THE LEGISLATURE**